

REMARKS

This paper is responsive to the Office Action of August 11, 2008. Reconsideration and allowance of the claims 1-18 are requested.

Restriction

The Examiner issued a Restriction Requirement between Group I (claims 1-14 and 16) and Group II (claim 15).

Election

The applicant hereby elects Group I, *with traverse*. Claims 1-14 and 16-18 are elected.

New claims 17 and 18 depend from claim 1 and, it is submitted, should be considered therewith. When the stent of claim 1 is deemed patentable, claims 17 and 18 will also be patentable by virtue their dependency on claim 1. Claim 17, for example, calls for performing magnetic resonance imaging on a region of patient in which the stent as claimed in claim 1 has been implanted. Because magnetic resonance imaging is known, it is submitted that the patentability of claim 17 will stand or fall with its parent claim 1. Thus, no additional searching or consideration will be required of the Examiner. Claim 18 should be considered with its parent claim 1 for analogous reasons.

Claim 15 has been amended to describe the stent in the same terms as elected claim 16. Accordingly, it is submitted that the searches for claims 15 and 16 will be coextensive and that no additional searching or examination burden will be placed on the Examiner. Accordingly, it is submitted that the Restriction should be withdrawn and that claim 15 should be examined and allowed with the elected claims.

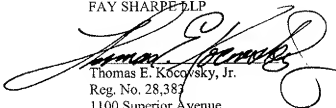
CONCLUSION

For the reasons set forth above, it is submitted that claims 1-18 should all be examined on the merits. An early allowance of all claims is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, the Examiner is requested to telephone Thomas Kocovsky at (216) 861-5582.

Respectfully submitted,

FAY SHARPE LLP

A large, stylized handwritten signature in black ink, which appears to read "Thomas E. Kocovsky, Jr.", is written over the typed name and address.

Thomas E. Kocovsky, Jr.

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